

Council on Postsecondary Education  
July 18, 2005

Accessibility of Electronically Delivered  
Instruction and Services

*Increases in the use of technology to deliver instruction and services, such as the distribution of grades, can result in increased access or barriers for Kentucky's postsecondary education learners with disabilities. The Governor's Americans with Disability Act Taskforce on Postsecondary Education, which is comprised of representatives from Kentucky's public postsecondary education institutions, is charged with ensuring the provision of equal educational opportunities and full participation for all persons with disabilities.*

Action: The staff recommends that the Council officially endorse the "Guidelines for the Accessibility of Electronically Delivered Instruction and Services" developed by the Governor's Americans with Disabilities Act Taskforce on Postsecondary Education (see attachment).

Dr. Cyndi Rowland, director of WebAIM, a national center on accessibility actively involved in the issues and challenges of compliance, will talk about national trends in defining and enforcing accessibility compliance. Norb Ryan, state ADA coordinator, will describe the Kentucky cohort of postsecondary education learners with disabilities and Kentucky's approach to meeting their needs. Huda Melky, ADA and equal opportunity coordinator for Western Kentucky University, will describe the success that WKU's programs and students are having as a result of attending to the needs of these learners.

To assist the institutions in development of their accessibility policy and practices, the taskforce has developed a set of "Guidelines for the Accessibility of Electronically Delivered Instruction and Services." The guidelines require that all electronically delivered postsecondary services and instruction (including Web sites, distance learning courses, Web-enhanced courses, and services such as online registration, email, and grade distribution) comply with federal accessibility standards as required by Kentucky state law and that they appropriately incorporate best practices and emerging standards, such as the World Wide Web Content (W3C) Web Content Accessibility Guidelines.

Specifically the guidelines require:

1. All postsecondary eServices must meet Federal Section 508 Web-based Intranet and Internet Information and Applications Standards (36 CFR 1194.22) and should additionally meet the Level 1 of the W3C Web Content Accessibility Guidelines (WCAG) 2.0 Guidelines.
2. All institutions must have in place a deadline for accessibility compliance, a process and timeline to regularly review accessibility status of electronically supported services and instruction, and specific consequences for non-compliance.
3. A disclaimer of compliance will be included on all pages of institution Web sites associated with postsecondary institutions.
4. Each postsecondary institution should initiate an ongoing training and monitoring program for faculty and staff that will ensure compliance with Section 508 and ADA.
5. Each postsecondary institution should establish a process for reporting and responding to complaint issues.
6. Each postsecondary institution should review and report on effectiveness of accessibility policy and procedures on a regular basis.

## **Governor's ADA Taskforce for Postsecondary Institutions Guidelines for the Accessibility of Electronically Delivered Instruction and Services**

The Governor's ADA Taskforce on Postsecondary Education was appointed with the goals and commitment to ensure that public postsecondary institutions in Kentucky are providing equal educational opportunities and full participation for all persons with disabilities. It is the position of the Taskforce that no otherwise qualified person with a disability be excluded from participating in any Kentucky postsecondary institution programs or activities, be denied the benefits of any Kentucky postsecondary institution programs or activities, or otherwise be subjected to discrimination with regard to any Kentucky postsecondary institution programs and activities.

Federal Law, specifically Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, establishes the foundation for equal educational opportunity. These regulations define a person with a disability as any person who: 1) has a physical or mental impairment which substantially limits one or more major life activities; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

Kentucky state law (K.R.S. § 61.982) states that information technology equipment and software used by employees, program participants, or members of the general public must "provide individuals with disabilities...with access, including, but not limited to interactive use of equipment and services, that is equivalent to the access provided individuals who are not disabled..."

The following guidelines apply to all electronically delivered services utilized by institution faculty, staff, or students (including websites, distances learning courses, web-enhanced courses, and services such as online registration, e-mail, grade distribution).

### **A. Statutory Requirements:**

- 1. All postsecondary services and instruction that are delivered electronically should comply with federal accessibility standards as required by Kentucky state law.**

The Taskforce recognizes compliance with Kentucky's Accessible Information Technology Act, (<http://www.ittatc.org/laws/stateLawAtGlance.cfm>) KRS 61.980-61.988 requires electronically supported services and instruction at all postsecondary institutions be in "...compliance with nationally accepted accessibility and usability standards such as those established by Section 255 of the Federal Telecommunications Act of 1996 and Section 508 of the Federal Workforce Investment Act of 1998;"

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### **B. Additional Taskforce Recommendations:**

- 1. All postsecondary eServices must meet Federal Section 508 Web-based Intranet and Internet Information and Applications Standards (36 CFR 1194.22) and should additionally meet the Level 1 of the W3C Web Content Accessibility Guidelines (WCAG) 2.0 Guidelines.**

Complying with Section 508 and meeting the WCAG Priority I will allow most individuals with disabilities access to the websites, distances learning courses and web enhanced courses. To ensure that all individuals with disabilities have access, it is recommended

that Level 2 and Level 3 should be attempted and met to the extent feasible. In the event that a particular functionality of any eService cannot meet both Section 508 and WCAG standards due to conflict or technical infeasibility, Section 508 shall supercede and should always be met as a minimum requirement.

- 2. All institutions have in place a deadline for accessibility compliance, a process and timeline to regularly review accessibility status of electronically supported services and instruction, and specific consequences for non-compliance.**

A plan to resolve any accessibility issues identified in the review process should also be in place. The reviews should be conducted on a regular basis and the consequences for identified accessibility issues should be specific, i.e. inaccessible websites or features might be required to be revised within a specific period of time after notification or be subject to removal from an institutional server.

- 3. A disclaimer of compliance will be included on all pages of institution websites associated with postsecondary institutions.**

The disclaimer should state that every effort has been made to make the website accessible and is continually updated as needed. It should also include a contact person if an individual finds some page inaccessible. (Example: "This website is in compliance with Section 508 and WCAG 2.0 Level 1 guidelines. If you find it to be inaccessible, please contact the Webmaster.")

- 4. Each postsecondary institution should initiate an ongoing training and monitoring program for faculty and staff that will ensure compliance with Section 508 and ADA.**

Training programs should be developed and offered yearly to train and update faculty and staff. Each postsecondary institution is responsible for developing a process to monitor and maintain the accessibility of websites, distance-learning courses, and web-enhanced courses. The procedures for monitoring and maintaining accessibility will be documented in their compliance guidelines.

- 5. Each postsecondary institution should establish a process for reporting and responding to complaint issues.**

This process should be clear to users allowing them to communicate difficulties with the websites, distances learning courses, and web enhanced courses directly and quickly to the institution. One recommended way to ensure compliance is to establish a monitoring panel to address the complaints. Depending on the nature of the complaint, the following representatives should be considered for this panel: Dean of Students, Dean of Academics, Faculty chairperson or designated representative of the Department offering course(s) if the question is course related, Webmaster, Distance Learning Coordinator, and/or Disability Service Coordinator.

- 6. Each postsecondary institution should review and report on effectiveness of accessibility policy and procedures on a regular basis.**

Institutions should establish periodic reviews of accessibility policy and procedures to ensure they reference and reflect current regulations, standards, guidelines, and user needs as well as a process for identifying and making interim changes when required.